IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

NOTICE OF MOTION NO.3211 OF 2005
IN
APPEAL (LODGING) NO.1104 OF 2005
IN
NOTICE OF MOTION NO.1354 OF 1997
IN
SUIT NO.2878 OF 1997

Suresh Kashinath Kubal & ors. — Appellants
vs.
Nishikant Kashinath Kubal & ors. — Respondents

Ms.J.A.Sarkhot with Mr.L.K.Joshi i/b.Mr.R.V.Govilkar for the appellants.

Mr.P.G.Karande for the respondents 1 to 4.

CORAM : R.M. LODHA &
D.G. KARNIK, JJ.

DATED : 6th December 2005

P.C.

Heard.

2. In paragraph 3 of the affidavit in support of the notice of motion, it is stated thus:

> "3. After obtaining the certified copy the appellants got the same interpreted and after deliberations and discussions within the appellants herein, it was decided to prefer an appeal against the same. The appellant no.1 is the only earning member out of the appellants and therefore it took sometime to arrange the necessary resources including the finance. The appellants are not well to do and are of very humble means. Therefore on account of the circumstances which were beyond their control, they could not approach this

> Hon'ble Court earlier, and there is a slight delay of about 15 days in preferring this appeal."

3. There is no justifiable reason to disbelieve the statement aforenoted. We are satisfied that the appellants were prevented by sufficient cause in filing the appeal in time.

4. Delay in filing the appeal is condoned.

5. Office to process the appeal and post it for admission.

6. Notice of motion stands disposed of.

(R.M.LODHA, J.)

(D. G. KARNIK, J.)